

So Ordered.

Dated: March 24th, 2022



*Frederick P. Corbit*

Frederick P. Corbit  
Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
IN AND FOR THE EASTERN DISTRICT OF WASHINGTON

In re:

**LEONARD C. ENGLAND**, a single man,  
d/b/a LEN ENGLAND ORCHARD,

and

**LEN ENGLAND ORCHARD, INC.,**

Debtors.

Jointly Administered

No.: **21-00909-FPC11**  
21-00917-FPC11

Chapter 11

**FINDINGS OF FACT**

**THIS MATTER** coming before the Court upon the issues raised by Debtors' request for confirmation of Debtor's Joint Plan of Reorganization filed on October 28, 2021 [ECF No. 100], as amended and supplemented [ECF No. 117] ("Joint Plan"), and based upon the evidence produced, the Court now makes the following:

**FINDINGS OF FACT**

1. Debtors' Joint Plan was filed herein on October 28, 2021 and was submitted to creditors and other parties in interest, as was the amendment;

Findings of Fact-1

**SOUTHWELL & O'ROURKE, P.S.**  
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1           2.       That the Joint Plan has been accepted in writing by the creditors and equity  
2 security holders whose acceptance is required by law; and

3           3.       That the provisions of Chapter 11 of the United States Code have been complied  
4 with and the Joint Plan has been proposed in good faith and not by any means forbidden by law;  
5 and

6           4.       That (a) each holder of a claim or interest has accepted the Joint Plan or will  
7 receive or retain under the Joint Plan property of a value, as of the effective date of the Joint  
8 Plan, that is not less than the amount that such holder would receive or retain if the Debtors  
9 were liquidated under Chapter 7 of the Code on such date, or (b) the Joint Plan does not  
10 discriminate unfairly, and is fair and equitable with respect to each class of claims or interests  
11 that is impaired under, and has not accepted the Joint Plan; and

12           5.       All payments made or promised by the Debtors or by a person issuing securities  
13 or acquiring property under the Joint Plan or by any other person for services or for costs and  
14 expenses in, or in connection with, the Joint Plan and incident to the case, have been fully  
15 disclosed to the court and are reasonable and are hereby approved, or, if to be fixed after  
16 confirmation of the Joint Plan, will be subject to approval of the court; and

17           6.       Confirmation of the Joint Plan is not likely to be followed by the liquidation, or the  
18 need for further financial reorganization of the Debtors, or (b) if the Joint Plan is a plan of  
19 liquidation, the Joint Plan sets a time period in which liquidation will be accomplished, and  
20 provides for the eventuality that the liquidation is not accomplished in that time period; and

21           7.       That pursuant to the Joint Plan, the following acts or events constitute substantial  
22 consummation of the Joint Plan: sixty (60) days following Confirmation, provided that Debtors  
23 have paid all installments provided by this Joint Plan to be paid within that time.  
24  
25

Findings of Fact-2

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1 8. Creditors were given Notice of Confirmation and no objections thereto were  
2 made, or if made, have been resolved.

3 9. It is proper that Debtors' Joint Plan be confirmed, subject to the following:

4 a. The provision of Joint Plan in Article X, page 15, lines 7 – 8, is amended  
5 to provide:

6 "Any delinquencies due Class 4 (Wells Fargo) shall be cured within six (6)  
7 months from Effective Date."

8 is hereby removed.

9 b. Notwithstanding any provision of the Joint Plan to the contrary the claim  
10 of Class 5 (Bank of America) shall be treated pursuant to "Claim Treatment Stipulation  
11 as to Bank of America, N.A.'s Claim Under Debtors' Joint Chapter 11 Plan" [ECF No.  
12 116] ("Stipulation") and said Stipulation is incorporated into and is a part of Joint Plan.

13 c. Notwithstanding any provision of the Joint Plan to the contrary, "Debtors'  
14 Amendment to Joint Plan of Reorganization [ECF No. 167] is hereby approved.

15 ///END OF ORDER///

16 PRESENTED BY:  
17 SOUTHWELL & O'ROURKE, P.S.

18 BY:/s/ Dan O'Rourke  
19 DAN O'ROURKE, WSBA #4911  
20 Attorney for Debtor Len England

21 APPROVED FOR ENTRY  
22 NOTICE OF PRESENTATION WAIVED

23 ALDRIDGE PITE, LLP

24 BY:/s/ Jesse Baker  
25 JESSE BAKER, WSBA #36077  
Attorney for Creditor Bank of America

Findings of Fact-3

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